



Attorney Docket No.: 991097/3084-0034

PATENT APPLICATION

#15

IN THE
UNITED STATES
PATENT AND TRADEMARK OFFICE

In Re U.S. Patent Application)
)
Applicant: RINEBOLD, Walter A. and)
DEEDS, Robert G.)
)
Serial No.: 09/527,734)
)
Filed: March 17, 2000)
)
For: ON-LINE LOCALIZED)
BUINESS REFERRAL)
SYSTEM AND REVENUE)
GENERATION SYSTEM)
)
Examiner: Steven Sax)
Art Unit: 2174)

DECLARATION OF ROBERT G. DEEDS, JR.

DECLARATION OF ROBERT G. DEEDS JR.

I, Robert G. Deeds, Jr., hereby declare and make the following statements in support of the above-referenced patent application.

1. I am the Chief Technical Officer and a shareholder of ShopNTown.com, Inc. ("ShopNTown"), the assignee of the above-identified patent application and have served in that position since November 15, 1998. I am responsible for the technical development of business operations, products and services. My responsibilities at ShopNTown.com consistently brought me into direct contact with ShopNTown's competitors and many others in the industry.

2. I received an associate degree in electronics from United Electronics Institute in 1969. I have been building and programming computers as a hobby and for use in business since at least as early as 1978.

3. I am the sole inventor for the subject matter claimed in U.S. Patent No. 4,639,876 titled "Multi-Unit Energy Use Monitor."

4. ShopNTown is an online system web site operator that provides Internet access to information and advertising based on selected geographic locations and topical categories, and operates a web site at www.shopntown.com that is the subject of U.S. Patent Application Serial No. 09/527,734 (the '734 application) entitled On-Line Localized Business Referral System and Revenue Generation System ("the Invention").

5. I am one of the co-inventors of the online interactive web site system that is the subject matter of '734 application. I am completely familiar with the Invention which is the subject of the '734 application and which is sold and/or used, or will be sold

Applicant: ShopNTown, Inc.

Inventor : Rinebold et al.

Title: On-Line Localized Business Referral System and Revenue Generation System

Serial No. 09/527,734

and/or used by ShopNTown at the web site associated with the URL www.shopntown.com. I make this Declaration based on personal knowledge and belief and in support of ShopNTown's claim that the claimed subject matter of the '734 application is patentable.

6. At the time the provisional patent application to which the present application claims priority was filed on March 18, 1999 (as well as at the time when the present application was filed), to my knowledge, no other entities or individuals offered an online interactive web site information system that, among other things, displayed information and advertising in certain selected geographic locations and topical categories, and provided for the substantially automated creation and posting of the information and advertising as set forth in the claims of the '734 application.

7. By allowing for the substantially automated creation and posting of information and advertising, the Invention provides for access to up-to-date advertising and information. In addition to not teaching the aforementioned limitations, based on my experience, those in the industry, at the time of the effective date of the '734 application, as well as today, would not permit the automated inputting of advertising and information by users of the system. In particular, it was—and remains today—the common practice regarding commercial web sites that include business information and/or advertising, based on conventional wisdom, to have users submit the information and advertising to employees or agents of the system's operators, who thereafter reviewed the material and, if necessary, corresponded with the user prior to the information being inputted into the system. One of the main reasons that system operators did not, and still do not, permit users to input information into the system using a substantially automated system is

because it was—and remains today—the conventional practice to have control over all information and data that may be posted to a commercial web site so as to protect against any slanderous, offensive or incorrect information being posted onto the web site.

8. Requiring the user to submit its information to the system's operator or agents to review prior to the information being posted has several problems. First, because of the fact that the information must be reviewed prior to posting, there is a delay in having the information reach the potential consumers. Accordingly, such a system prevents or limits the ability of users to post time-sensitive information (e.g., last-minute sales) as the effectiveness of the information may be lost due to the delay. Second, requiring a system operator to have people review the information that is inputted into the system creates additional expenses that will be incurred by the system operator and, likely, passed along to the users. Third, having people review and input the information into the system creates the possibility of having the employees or agents input incorrect entries or otherwise adversely affect the posting of the information (e.g., causing a substantial delay in the posting of the information) that may subject, among other entities or individuals, the system operator to liability.

9. Contrary to the past systems, the system and method of the present invention permits the user to create and post its business listings, advertising or other information onto the system using a *substantially automated process*, without the delay of having the information reviewed and/or posted by another human being. The user is therefore responsible for correctly inputting (and editing if necessary) the information and other data into the system.

Applicant: ShopNTown.com, Inc.

Inventor: Rinebold et al.

Title: On-Line Localized Business Referral System and Revenue Generation System

Serial No. 09/527,734

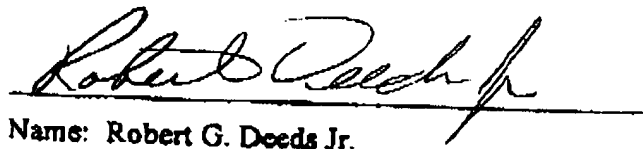
10. An example of the other systems in use at the time of the present invention is Microsoft Corp.'s Sidewalk.com (now called CitySearch), which was started in February of 2000. Until last year, the listings to Sidewalk.com were done by salespeople going door-to-door to gather information similar to the way telephone book directories are built.

11. Furthermore, at the time the present application was filed, to my knowledge, no other competitor could provide means for generating revenue from the merchants selecting one or more functions for displaying advertising, information and business listings with respect to certain geographic locations and certain categories.

12. Based upon the foregoing, among other evidence, I submit that the claimed subject matter of the '734 patent application was not obvious at the time of the invention and should be patented.

13. I declare further that all statements made herein of my knowledge are true; that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or document and any registration resulting therefrom.

Dated: March 24, 2004 By:



Name: Robert G. Deeds Jr.

Title: Chief Technical Officer, ShopNTown.com